

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Erick Delgado Rocha,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
Amity Business Group, LLC, and)	
Tata Madhusudhan,)	
)	
Defendants.)	
_____)	

COMPLAINT

Plaintiff Erick Delgado Rocha files this Complaint against Amity Business Group, LLC. and Tata Madhusudhan for violations of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 *et seq.*, to recover unpaid wages, liquidated damages, costs, expenses of litigation and attorneys’ fees. Plaintiff alleges as follows:

PARTIES

1. Plaintiff is a resident of Georgia in this judicial district and division.
2. Amity Business Group, LLC (“Amity”) is a limited liability company with its principal place of business at 2655 Cobb Parkway, Atlanta, Georgia, 30339.

3. At all times throughout the relevant period, Amity operated and transacted business as the SWAPNA Indian Cuisine restaurant (the “Restaurant”) located at 2655 Cobb Parkway, Atlanta, Georgia, 30339.

4. At all times throughout the relevant period, Tata Madhusudhan has been the owner, manager, and/or officer of the Restaurant.

5. Tata Madhusudhan is resident of Georgia in this judicial district and division.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over the present action pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).

7. Venue properly lies in this district pursuant to 28 U.S.C. § 1391. Amity and Tata Madhusudhan transact business in this judicial district, and a substantial portion of the events giving rise to the claims herein occurred in this judicial district.

FACTS

8. The relevant period for damages is three years prior to the filing of this Complaint, May 22, 2014 through May 22, 2017.

9. At all times throughout the relevant period, Plaintiff was an “employee” of Amity and Tata Madhusudhan and covered under the FLSA, 29 U.S.C. §§ 201 *et seq.*

10. At all times throughout the relevant period, Amity and Tata Madhusudhan were the “employer” of the Plaintiff.

11. At all times throughout the relevant period, Amity and Tata Madhusudhan were Plaintiff’s employers engaged in interstate commerce, within the meaning of the FLSA, 29 U.S.C. §§ 206(a) and 207(a).

12. At all times throughout the relevant period, Amity and Tata Madhusudhan had multiple employees, including the Plaintiff, handling, selling, or otherwise working on goods or materials that have been moved in or produced for interstate commerce by any person.

13. At all times throughout the relevant period, Amity and Tata Madhusudhan were an enterprise with annual gross volume of sales made or business done of not less than \$500,000.

14. At all times throughout the relevant period, Tata Madhusudhan as an owner, manager, and/or officer of the Restaurant, had control and direction over workplace conditions, operations, personnel, and compensation at the Restaurant.

15. At all times throughout the relevant period, Tata Madhusudhan, as an owner, manager, and/or officer of the Restaurant, made the decisions to withhold overtime and other pay in violation of the FLSA.

16. At all times throughout the relevant period, Defendants Amity and Tata Madhusudhan owned and operated the Restaurant.

17. Defendants employed Plaintiff at the Restaurant as a kitchen helper at all times from the beginning of the relevant period through April 27, 2017.

18. At all times throughout his employment, Plaintiff was a non-exempt, hourly employee for the Restaurant.

19. Plaintiff was misclassified willfully, however, by Amity and Tata Madhusudhan as an independent contractor.

20. Amity and Tata Madhusudhan promised Plaintiff a regular hourly wage of \$12 per hour in the relevant period.

21. Plaintiff worked in excess of forty hours per workweek but received no overtime compensation as required by federal law.

22. Defendants Amity and Tata Madhusudhan maintained records of those hours that Plaintiff worked at the Restaurant.

**COUNT I
FAIR LABOR STANDARDS ACT VIOLATIONS
OVERTIME**

23. Plaintiff repeats and realleges each paragraph above as though it were fully set forth at length herein.

24. At all times throughout the relevant period, Amity and Tata Madhusudhan had a uniform policy and practice of willfully refusing to pay Plaintiff overtime compensation for all hours worked in excess of forty hours per workweek.

25. Amity and Tata Madhusudhan refused to pay Plaintiff at a rate that was at least one and one-half times the regular rate of pay for work performed in excess of forty hours per workweek.

26. Amity and Tata Madhusudhan's conduct constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

27. Due to Amity and Tata Madhusudhan's FLSA overtime violations, Plaintiff was damaged and is entitled to recover from Defendants compensation for unpaid overtime wages; an additional equal amount as liquidated damages; and reasonable attorneys' fees, and costs and expenses of this action, pursuant to 29 U.S.C. § 216(b).

JURY TRIAL DEMAND

28. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable.

WHEREFORE, Plaintiff demands a trial by jury and requests that this Court grant the following relief against Amity and Tata Madhusudhan:

- A. An award of compensation for unpaid overtime to Plaintiff;
- B. An award of liquidated damages for willful failure to pay overtime compensation;
- C. An award of costs and expenses of this action together with reasonable attorneys' and expert fees to Plaintiff; and
- D. Such other and further relief as this Court deems just and proper.

This 23rd of May, 2017.

HALL & LAMPROS, LLP

/s/ Christopher B. Hall
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ATTORNEYS FOR THE
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Plaintiff's counsel certifies that this complaint is in 14 point Times New Roman font.